

FELIX HIGHTOWER,)	No. C 03-1054 JSW (PR)
)	
Plaintiff,)	ORDER DENYING CERTIFICATE
)	OF APPEALABILITY
vs.)	
)	
JOSEPH L. MCGRATH, Warden,)	
)	
Defendant.)	(Docket No. 19)
)	

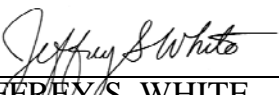
Upon the filing of a notice of appeal and a request for a COA, the district court shall indicate which specific issue or issues satisfy the standard for issuing a certificate, or state its reasons why a certificate should not be granted. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997) (citing 28 U.S.C. § 2253(c)(3)). If no express request is made for a COA, the notice of appeal shall be deemed to constitute a request for a certificate. *See id.* As such, Petitioner’s notice is construed as a request for a COA.

A judge shall grant a COA "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated "that reasonable jurists would find the district court's assessment of the

1 constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
2 Accordingly, the request for a certificate of appealability is DENIED (docket no. 19).
3 The Clerk of Court shall forward this order, along with the case file, to the United States
4 Court of Appeals for the Ninth Circuit from which Petitioner may also seek a certificate
5 of appealability. *See Asrar*, 116 F.3d at 1270.

6 IT IS SO ORDERED.

7 DATED: May 18, 2006

8 
9 JEFFREY S. WHITE
United States District Judge